

No. 11(112)-80-3Lab/7793.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management M/s. Saraswati Ceramics Refractories Pvt. Ltd., Sector-25, Ballabgarh.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 11 of 1980

between

SHRI DEVI DAYAL DUBE WORKMAN AND THE MANAGEMENT OF M/S SARASWATI
CERAMICS REFRACTORIES PRIVATE LIMITED,
SECTOR 25, BALLABGARH

Present:—

Shri Devi Dayal, workman in person along with Shri Sunehari Lal.
None for the respondent management.

AWARD

This reference No. 11 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD-28-79/1946, dated 9th January, 1980 under section 10(1) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Devi Dayal, workman and the management of M/s Saraswati Ceramics Refractories Pvt. Ltd., Sector 25, Ballabgarh. The term of the reference was:—

“Whether the termination of services of Shri Devi Dayal Dube was justified and in order? If not, to what relief is he entitled?”

After receiving this reference, notices were issued to both the parties. On 29th January, 1980 both the parties appeared and the workman filed his claim statement. Then the case is fixed for filing the written statement but on that date of hearing no one was present on behalf of the management and the management ordered to be proceeded against *ex parte* by my learned predecessor on 19th February, 1980 and the case was fixed for *ex parte* evidence of the workman, for 27th February, 1980. On that date of hearing Shri D. D. Aggarwal, Manager of the respondent management appeared and filed an application for setting aside the *ex parte* order, dated 19th February, 1980 passed against them. Then the case was fixed for arguments on this application for 12th March, 1980. On 12th March, 1980 the post of the Presiding Officer, was vacant and the case was fixed for 2nd April, 1980 for proper orders. On 2nd April, 1980 the case was fixed for arguments on this application for 29th April, 1980 when no one was present on behalf of the management. Then I proceeded *ex parte* against the management and the case was fixed for *ex parte* evidence of the workman on 15th May, 1980.

On 15th May, 1980 the workman appeared before this Court as WW-1. He stated that he was working with the respondent management since January, 1974. He also worked as Chowkidar from 19th November, 1979 with the respondent management. The management terminated his services without giving him any notice. He has further stated that he was drawing Rs. 240 per month at the time of termination of his services. The workman stated that he went many times in the factory but the management refused to take him on duty. He further stated that he was an active member of the union and the management terminated his services on account of union activities. The workman sent a letter which is Ex. W-1. The receipt of the post office is Ex. W-1/A. The workman sent a telegram to the management on 24th November, 1979, copy of which is Ex. W-2. and receipt of the post office is Ex. W-2/A. Then the workman sent a demand notice before the Conciliation Officer. The management did not participate in the conciliation proceedings. Copy of the demand notice is Ex. W-3. Failure report of the Conciliation Officer is W-4. The workman further stated that his services have illegally been terminated by the management and he be reinstated with full back wages as he is un-employed till today.

Keeping in view the circumstances of the case, I see no reason why the un-rebutted statement given on oath by the workman should not be relied upon specially when the management chose not to appear and defend this reference before this Court. So, I relying upon the un-rebutted statement of the workman, I hold that the termination of the services of the workman Shri Devi Dayal Dube was unjustified and was not in order. He is entitled to be reinstated with full back wages, with costs viz. fixed at Rs. 100 of this reference.

I answer the reference while returning the same in these terms.

Dated the 29th May, 1980

I. P. CHAUDHARY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endstt. No. 852, dated 31st May, 1980

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.